



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/131,941	08/10/98	ISHII	H B-3513-61666

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EXAMINER

PSITOS, A

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 04/13/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Advisory Action**

Application No.

09/131,941

Examiner

Aristotelis M Psitos

Applicant(s)

ISHII ET AL.

Art Unit

2651

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 April 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (see NOTE below);
  - (b) ☐ they raise the issue of new matter. (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see next page.

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see next page.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: \_\_\_\_\_.
  - Claim(s) objected to: \_\_\_\_\_.
  - Claim(s) rejected: 1-18.
  - Claim(s) withdrawn from consideration: \_\_\_\_\_.
9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
11. ☐ Other: \_\_\_\_\_.

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Advisory Action

Applicant's response of 4/2/01 has been received, but WILL NOT BE entered. The following action is taken.

WITH RESPECT TO item 3:

Although the amendment to claims 17 -18 overcome the previous new matter rejection, they would raise new issues – with respect to claim 1. The examiner concludes that claims 1 and 17 are duplicative, or in the alternative obvious variants thereof. Proposed amended claim 17 requires a plurality of units of aggregate audio information, and a plurality of unit attribute information whereas claim 1 only requires a single aggregate audio information and a single unit attribute information. The examiner does not see the patentable distinction therebetween, because a plurality of information units/ types would be considered merely a duplication of elements/capabilities. Although the examiner has not rejected claims 17 & 18 on art, such would be necessitated by the proposed amendment removing the new matter position previously presented. The examiner suggests the filing of a continuation with such amended claims if applicants are convinced that such subject matter required protection.

With respect to the drawing objection: The examiner has reviewed applicants' position but maintains the objection. Applicants have already indicated that element 100 is the determining unit. Hence since the claims recite TWO separate elements, the examiner believes two such designations should be readily apparent in the figures as required by 37 CFR 1.83 (a).

With respect to ITEM 6:

With respect to the rejection predicated on Heo et al. The examiner has reviewed applicants' arguments but is not convinced. The examiner considers the audio stream attribute table/information as found on col. 3 lines 25+ as the attribute information, and the audio title information management table as found in col. 12 lines 22+ as the aggregate attribute information of the claims.

With respect to the Ludeman article, the examiner has reviewed the arguments presented and no longer maintains this rejection.

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With respect to the 102(a) rejections: The examiner has reviewed the documents in the present application, and NO ENGLISH TRANSLATION OF THE PRIORITY DOCUMENT IS FOUND.

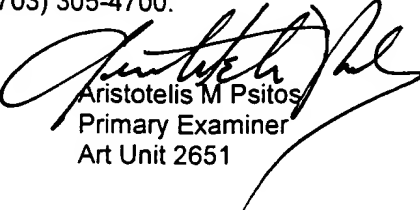
If such a document could be associated with the file and presented, the rejections predicated upon these documents (EP document) would be obviated.

Applicants' remaining arguments either have been reviewed. Nevertheless the above position/previous rejection(s) presented are maintained. Again, provided that a certified english translation of the priority document could be associated with the present file, then all rejections relying upon these EP documents ( EP 0797205, 0856849, 0855715) would be obviated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached during 8 – 4 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
Aristotelis M Psitos  
Primary Examiner  
Art Unit 2651

AMP  
April 12, 2001